

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rose Lantigua (S14)	Team: Squad #14	CCRB Case #: 201604691	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/01/2016 6:00 AM	Location of Incident: § 87(2)(b)	Precinct: 32	18 Mo. SOL 12/1/2017	EO SOL 12/1/2017	
Date/Time CV Reported Wed, 06/01/2016 12:25 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/01/2016 12:25 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. LT Timothy Kearns	00000	906542	NARCBMN
2. DT3 Pedro Marciano	00569	940418	NARCBMN
3. DT3 Taiwo Adeleke	3761	946662	NARCBMN
4. DT3 Shawn Wilkinson	2655	920969	NARCBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Keith Knight	02886	920469	NARCBMN
2. DT3 Jose Delrosario	02201	925174	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Pedro Marciano	Abuse: Detective Pedro Marciano entered and searched § 87(2)(b) in Manhattan.	§ 87(2)(g)
B.DT3 Pedro Marciano	Discourtesy: Detective Pedro Marciano spoke discourteously to § 87(2)(b)	§ 87(2)(g)
C.DT3 Pedro Marciano	Abuse: Detective Pedro Marciano threatened to arrest § 87(2)(b)	§ 87(2)(g)
D.DT3 Shawn Wilkinson	Force: Detective Shawn Wilkinson pointed his gun at § 87(2)(b)	§ 87(2)(g)
E.DT3 Taiwo Adeleke	Abuse: Detective Taiwo Adeleke did not obtain medical treatment for § 87(2)(b)	§ 87(2)(g)
F.LT Timothy Kearns	Discourtesy: Lieutenant Timothy Kearns spoke discourteously to § 87(2)(b)	§ 87(2)(g)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(g)

Case Summary

On June 1, 2016, § 87(2)(b) filed the following complaint on behalf of her family members, § 87(2)(b) and § 87(2)(b) did not witness the incident. A duplicate complaint was filed with IAB on June 3, generating original log number 16-19909. The duplicate complaint was referred to the CCRB on June 9, generating case number 201604984.

On June 1, 2016, at 6:05 a.m., officers from Narcotics Borough Manhattan North executed a search warrant at § 87(2)(b) in Manhattan. § 87(2)(b) was in the three-bedroom apartment with four of her grandchildren, § 87(2)(b) and § 87(2)(b) old § 87(2)(b)'s three month old son was also inside of the apartment. Det. Pedro Marcano from Narcotics Borough Manhattan North breached § 87(2)(b)'s front door and damaged the lock before he entered with other officers from Narcotics Borough Manhattan North and searched the apartment (**Allegation A**). Det. Marcano allegedly repeatedly told § 87(2)(b) to “shut the fuck up” and said, “shut the fuck up or I’m going to put the fucking handcuffs on you.” (**Allegation B**) Det. Marcano allegedly threatened to arrest § 87(2)(b) (**Allegation C**).

§ 87(2)(b) was in the bathroom with § 87(2)(b) and § 87(2)(b) Det. Shawn Wilkinson of Narcotics Borough Manhattan North allegedly pointed his gun directly at § 87(2)(b)'s face for approximately a minute (**Allegation D**). § 87(2)(b) told Det. Taiwo Adeleke of Narcotics Borough Manhattan North to call an ambulance because she had bad anxiety. Det. Adeleke allegedly refused to obtain medical attention for § 87(2)(b) (**Allegation E**).

§ 87(2)(b) was brought to the living room with § 87(2)(b) and § 87(2)(b) § 87(2)(b) was taken to the hallway and subsequently arrested. Lt. Timothy Kearns of Narcotics Borough Manhattan North was the supervisor. § 87(2)(b) asked Lt. Kearns for his name and requested that he write his name down. Lt. Kearns allegedly told § 87(2)(b) “You need to go back to school and get a fucking education. You know how to spell learn, drop the L and put a K, Kearn.” (**Allegation F**) § 87(4-b), § 87(2)(g)

This case is being submitted approximately seven weeks past the 90-day benchmark due to delays receiving documents from the Narcotics Borough Manhattan North command and delays in identifying and scheduling officers.

Mediation, Civil and Criminal Histories

- This case was ineligible for mediation due to § 87(2)(b)'s arrest.
- On October 20, 2016, a notice of claim inquiry was submitted to the New York City Comptroller’s office. The response will be added to the case file upon receipt. (BR01)
- Without a valid NYSID number, the undersigned investigator was unable to look up § 87(2)(b)'s criminal conviction history in the Office of Court Administration Database.

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• § 87(2)(b)
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 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (BR03). § 87(2)(b) and § 87(2)(b) do not have any prior CCRB complaints. (BR04) (BR05) (BR06) (BR07)
- Det. Wilkinson has been a member of the NYPD for 18 years and has had 17 other CCRB allegations and three substantiated allegations. In case 20107956, an allegation of frisk was substantiated with a penalty of instruction. Allegations of search of person and a stop were substantiated with no disciplinary action disposed. § 87(2)(g) (See officer history)
- Det. Adeleke has been a member of the NYPD for eight years with 12 other CCRB allegations with two substantiated allegations. In case 200912901, allegations of threat of force and discourtesy were substantiated with a penalty of command discipline "B." § 87(2)(g) (See officer history)
- Lt. Kearns has been a member of the NYPD for 22 years and has had five other allegations involving five cases with one substantiated allegation. In case 200004809, an allegation of discourtesy was substantiated. The CTS does not note the NYPD disposition or penalty. § 87(2)(g) (See officer history)

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) described the officer that spoke discourteously and threatened to arrest her inside of § 87(2)(b)'s bedroom as a white male, standing 5'8" tall, with a heavy build, in his 40s, with a Caesar haircut. § 87(2)(b) stated that the officer that spoke discourteously to her was the first officer that walked into the bedroom. Det. Marciano is a Hispanic male, standing 5'9" tall, weighing 200 pounds, who was § 87(2)(b) old at the time of the incident. Det. Marciano testified that he was the first officer to walk through the front door and his description closely matches the

description provided by § 87(2)(b) § 87(2)(g)

§ 87(2)(b) said that she was in the bathroom when an officer pointed his gun at her face for approximately a minute. She described the officer as a short black male wearing a helmet and shield that was also carrying a gun. The tactical plan prepared in regards to the search warrant listed six officers that were equipped with helmets. Two of the officers, Det. Jose Del Rosario and Det. Deon Ayala from Narcotics Borough Manhattan North were Hispanic. Det. Wilkinson was the only black officer equipped with a helmet at the time of the entry. Det. Del Rosario of Narcotics Borough Manhattan was assigned to Bunker Security and equipped with a helmet, vest and radio. Det. Del Rosario appeared to be a Hispanic male, identified as other, standing 5'7" tall, weighing 186 pounds, with a bald haircut and brown eyes. Det. Del Rosario denied the allegation and stated that he did not enter the location with his weapon drawn. Det. Wilkinson of Narcotics Borough Manhattan was also assigned to Bunker Security and equipped with a helmet, vest, and radio. Det. Wilkinson is a black male, standing 5'10" tall, weighing 230 pounds, with black hair and brown eyes. Det. Wilkinson recounted that he encountered two females and a child when he entered the bathroom of the apartment with his weapon drawn. § 87(2)(g)

Allegations not pleaded

- **Abuse of Authority:** § 87(2)(b) said there was property damage subsequent to the search. § 87(2)(g)
- **Discourtesy:** Although § 87(2)(b) said an officer called § 87(2)(b) an "annoying bitch," no allegation was pleaded regarding this remark because the victim, § 87(2)(b) did not corroborate this or allege that any officers used offensive language toward her.
- **Discourtesy:** § 87(2)(b) also said Lt. Kearns called § 87(2)(b) a "bitch." However, the undersigned investigator contacted § 87(2)(b) who did not corroborate § 87(2)(b) allegation or claim that Lt. Kearns used any discourteous or offensive language with her. § 87(2)(g)

Allegation A –Abuse of Authority: Detective Pedro Marcano entered and searched § 87(2)(b) in Manhattan.

It is undisputed that Det. Marcano entered and searched § 87(2)(b)'s apartment with other officers from Narcotics Borough Manhattan North. The investigation found that Det. Marcano possessed search warrant § 87(2)(b) signed by the Honorable § 87(2)(b) of the Midtown Community Court that allowed them to enter without prior notice of authority or purpose (BR08).

§ 87(2)(g)

Allegation B -Discourtesy: Detective Pedro Marcano spoke discourteously to § 87(2)(b)

Allegation C -Abuse: Detective Pedro Marcano threatened to arrest § 87(2)(b)

§ 87(2)(b) recounted that she was in § 87(2)(b)'s bedroom with § 87(2)(b) and her § 87(2)(b) old son when Det. Marcano entered the room with two officers. § 87(2)(b) recounted that she was arguing back and forth with Det. Marcano. During her initial account of the incident, she alleged that Det. Marcano repeatedly told her to “shut the fuck up.” § 87(2)(b) § 87(2)(b) alleged that Det. Marcano told her to, “shut the fuck up” before he “fucking arrested her.” § 87(2)(b) § 87(2)(b) said that she told Det. Marcano that he could not arrest her for saying what she wanted out of her mouth. § 87(2)(b) later stated that Det. Marcano did not tell her that he would arrest her. § 87(2)(b) also assumed that she made Det. Marcano upset and alleged that he stated, “Shut the fuck up or I’m going to put the fucking handcuffs on you.” § 87(2)(b) also said that she was arguing back and forth with Det. Marcano until § 87(2)(b) told her to be quiet. (BR09)

§ 87(2)(b) recounted that the officers burst through the front door and instructed her and § 87(2)(b) to sit down in one of the bedrooms towards the entrance of the apartment. She did not corroborate § 87(2)(b)'s allegations during her account of the incident.

§ 87(2)(b) recounted that officers began arguing with § 87(2)(b) when they entered the apartment although she did not corroborate § 87(2)(b)'s allegations.

Det. Marcano recounted that he was the first officer to enter the apartment and he encountered § 87(2)(b) and a baby inside of a bedroom. He described that § 87(2)(b) and § 87(2)(b) were initially shocked. Det. Marcano stated that he secured § 87(2)(b) and § 87(2)(b). He also said that they were later brought to the living room with the rest of the family. Det. Marcano denied that he or the other officers present for the incident made the alleged statements. (BR12) Det. Wilkinson stated that he entered the apartment behind Det. Marcano. He corroborated Det. Marcano's statement and also denied that he or the other officers made the alleged statements. Det. Del Rosario stated that he was the fourth person inside of the door although he did not specifically recall the layout of the apartment and denied speaking to the tenants inside. He also denied that he or the other officers present for the incident made the alleged statements. Det. Del Rosario also said that none of the officers used profanity throughout the incident.

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

Allegation D -Force: Detective Shawn Wilkinson pointed his gun at § 87(2)(b)

§ 87(2)(b) recounted that she locked herself, § 87(2)(b) and § 87(2)(b) inside of the bathroom after she heard banging at the front door. She stated that opened the door and put her hands up after she heard a female voice announce that there was a locked door. § 87(2)(b) stated that Det. Wilkinson allegedly pointed a gun directly at her face for

approximately a minute. The gun did not make contact with her face. She recounted that Det. Adeleke announced that there were kids inside of the bathroom. § 87(2)(b) indicated that she and § 87(2)(b) were not wearing clothes and she remained in the bathroom until Det. Adeleke brought her a bed sheet from one of the beds.

§ 87(2)(b) recounted that she and § 87(2)(b) locked themselves in the bathroom with § 87(2)(b). She stated that the officers opened the bathroom door and entered the bathroom. § 87(2)(b) said that Det. Wilkinson handcuffed her and § 87(2)(b) inside of the restroom. She alleged that Det. Wilkinson pointed his gun at § 87(2)(b) head and told her to be quiet. § 87(2)(b) also alleged that the gun made contact with the back of § 87(2)(b) head for approximately 15 seconds until § 87(2)(b) screamed, "I'm § 87(2)(b)!" § 87(2)(b) was removed from the apartment in handcuffs.

Det. Wilkinson recounted that he entered the apartment with his weapon drawn. He stated that he pointed his firearm at § 87(2)(b) and § 87(2)(b) until they showed him their hands. Det. Wilkinson went to the bathroom after the cuff and toss team entered and removed § 87(2)(b) and § 87(2)(b) to the living room. He recounted that he was initially with Det. Marciano but noticed that a door was open and entered the bathroom. Det. Wilkinson recounted that he saw § 87(2)(b) and § 87(2)(b) as soon as he entered the bathroom. He testified that § 87(2)(b) was behind the bathroom door and he asked her what she was doing behind the door. § 87(2)(b) told Det. Wilkinson that she was naked and he asked her to show him her hands. Det. Wilkinson testified that he aimed his weapon at both § 87(2)(b) and § 87(2)(b) until they showed him their hands. He stated that he holstered his weapon less than a minute later. Det. Wilkinson denied that he aimed his weapon at § 87(2)(b) head for approximately a minute and said that he never aims his weapon at anyone's head. He said that he points his gun center mass at people's chests. Det. Wilkinson recounted that he asked Det. Adeleke to assist § 87(2)(b) to get dressed.

§ 87(2)(g)

[REDACTED]

Allegation E –Abuse of Authority: Detective Taiwo Adeleke did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) recounted that Det. Adeleke gave her a bed sheet from one of the beds and told her to cover herself because she was naked. § 87(2)(b) began asking Det. Adeleke questions once she wrapped herself in the bed sheet. § 87(2)(b) stated that she asked Det.

Adeleke to call an ambulance because she had bad anxiety and could not breathe. Det. Adeleke told § 87(2)(b) to calm down and wait for the lieutenant to arrive. § 87(2)(b) alleged that Det. Adeleke did not call an ambulance or follow up with her regarding medical attention.

Det. Adeleke recounted that Lt. Kearns informed her that § 87(2)(b) was undressed in the bathroom. She stated that she instructed § 87(2)(b) to get dressed and go to the living room area. She also said that she stood outside of the bathroom in the hallway to make sure that no males were in the area. Det. Adeleke said that § 87(2)(b) did not request medical treatment from her. She did not recall whether § 87(2)(b) requested medical treatment from another officer. Det. Adeleke said that she would have obtained medical treatment for § 87(2)(b) if § 87(2)(b) had asked her. All of the officers interviewed in regards to the investigation denied that any of the subjects within the apartment requested medical treatment.

§ 87(2)(g)

Allegation F -Discourtesy: Lieutenant Timothy Kearns spoke discourteously to § 87(2)(b)

§ 87(2)(b) recounted that she asked the officers who was in charge after she had been brought to the living room along with § 87(2)(b) and § 87(2)(b). Lt. Kearns identified himself as the officer in charge. § 87(2)(b) asked Lt. Kearns if he could write his name down on a piece of paper after everything was over. Lt. Kearns allegedly responded, “You need to go back to school and get a fucking education. You know how to spell learn, drop the L and put a K, Kearns.” She later recalled the statement as, “You need to go get an education. You know Learn with a L drop the L and put a K.” § 87(2)(b) said that she responded, “Do you need an education for your job because you sure need one for mine.” She stated that there were two other black male officers in the living room when Lt. Kearns said the alleged discourteous statements.

§ 87(2)(b) recounted that § 87(2)(b) was arguing with Lt. Kearns while they were in the living room. She said that § 87(2)(b) asked Lt. Kearns for his name and he responded, “Lieutenant Kearns.” § 87(2)(b) also said that Lt. Kearns responded, “You don’t know how to spell learn with a K?” when she asked him how he spells his name. § 87(2)(b) did not corroborate § 87(2)(b)’s allegations in her sworn statement.

Lt. Kearns described the subjects as combative during the search and said that they also accused the officers of being racist. Lt. Kearns denied that he said the alleged discourteous statement to any of the subjects within the apartment. He said that § 87(2)(b) asked him for his name and he responded that his name was “Learns with a K.” Lt. Kearns speculated that § 87(2)(b) was offended because of his response. Det. Marcano, Det. Knight, and Det. Wilkinson stated that they overheard Lt. Kearns provide his name when it was requested by the subjects and denied that Lt. Kearns said the alleged profanity. Det. Adeleke also denied that Lt. Kearns said the alleged discourtesies although she did not recall whether the subjects asked Lt. Kearns for his name. Det. Knight and Det. Del Rosario did not recall whether Lt. Kearns said the alleged discourtesies.

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§ 87(2)(g) [Redacted]
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§ 87(4-b), § 87(2)(g) [Redacted]
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Squad: 14

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date